

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 9

March 10, 2015

SUBJECT: TRAFFIC VIOLATION WARNING PROCEDURES - ESTABLISHED;
AND, TRAFFIC VIOLATION WARNING, FORM 04.40.00 -
ACTIVATED

BACKGROUND: One of the functional objectives of the Department is to facilitate the safe and expeditious movement of traffic. The commitment to this objective extends to every aspect of Department operations, to include patrol, specialized field units, traffic, senior lead officers, detectives, etc. The Department must foster a culture where awareness of traffic-related intelligence, trends, patterns, spikes and strategies are as prevalent as discussions on crime.

Current Department procedure only allows officers to issue a citation, submit an application for complaint, make a physical arrest or give a verbal warning to traffic violators. Another tool was needed to assist officers in educating the public regarding traffic safety and to gain the public's voluntary compliance in adhering to traffic laws.

PURPOSE: This Order establishes Department Manual Section 4/336, *Traffic Violation Warning Procedures*, and activates the Traffic Violation Warning, Form 04.40.00.

PROCEDURE:

I. TRAFFIC VIOLATION WARNING PROCEDURES - ESTABLISHED.

Department Manual Section 4/336, *Traffic Violation Warning Procedures*, has been established. The Traffic Violation Warning is another tool that officers may use to educate the public regarding traffic safety and assist in obtaining voluntary compliance with traffic laws.

A. Officer's Responsibilities. Officers should use discretion in determining whether a citation, verbal warning, application for complaint or written warning is most appropriate. Relevant factors to consider in using a Traffic Violation Warning include:

- * The likelihood a Traffic Violation Warning would be effective;
- * The severity of the traffic violation;
- * The observance of multiple traffic violations;

- * Chronic violations occurring at the location; and,
- * The license status of the violator (e.g., provisional license or out-of-state license).

The issuance of a Traffic Violation Warning is recorded within the "DISPOSITION", "Comments" and "RECAP" sections of the Computer Aided Dispatch (CAD) Summary Report. If the officer is driving a vehicle not equipped with a Mobile Digital Computer (MDC), the issuance of a Traffic Violation Warning will be documented as "TVW" in the "Special Survey" box of the Daily Field Activities Report (DFAR), Form 15.52.00, or the Traffic Daily Field Activities Report (TDFAR), Form 15.52.01.

Traffic Violators. The operator of each motor vehicle or bicycle, as well as any passenger or a pedestrian who is detained for committing a California Vehicle Code (CVC) infraction may be issued a Traffic Violation Warning.

Note: A signature by the traffic violator on the Traffic Violation Warning is **strictly voluntary**. If a violator refuses to sign, the officer must write "Refused", along with the officer's name and serial number, in the signature box. A refusal to sign the completed Traffic Violation Warning must not be used as a cause to issue a Traffic Notice to Appear. Such action would defeat the purpose of this tool, which is focused on educating the public.

B. Supervisor's Responsibilities. When reviewing a Traffic Violation Warning, the supervisor must ensure:

- * The submitted Traffic Violation Warning is complete and accurate;
- * The issuance of a Traffic Violation Warning is recorded within the "DISPOSITION", "Comments" and "RECAP" sections of the CAD Summary Report; and,

Note: If the officer is driving a vehicle not equipped with an MDC, the issuance of a Traffic Violation Warning will be documented as "TVW" in the "Special Survey" box of the DFAR, or the TDFAR.

- * The number of Traffic Violation Warnings issued is documented in the same manner as the Traffic Notice to Appear; thereafter, the Traffic Violation Warning will be handled in the same manner as a Field Interview Report, Form 15.43.00, for input into the Incident Tracking System-Field Interview Database.

C. Commanding Officer's Responsibilities. The Area commanding officer must:

- * Ensure the number of Traffic Violation Warnings issued in their command is reported in the same manner as the Traffic Notices to Appear;
- * Designate personnel to record the data contained on the Traffic Violation Warning in the Incident Tracking System-Field Interview Database;
- * Establish appropriate controls for the issuance, maintenance and storage of Traffic Violation Warning books;
- * Ensure record keeping, archival, and destruction protocols are consistent with Department procedures; and,
- * Ensure the Traffic Violation Warnings are incorporated into COMPSTAT reporting.

II. TRAFFIC VIOLATION WARNING, FORM 04.40.00 - ACTIVATED.

The Traffic Violation Warning, Form 04.04.00, has been activated.

- A. Use of Form.** The Traffic Violation Warning is used to document written warnings given to traffic violators during traffic enforcement stops.
- B. Completion.** The completion of this form is self-explanatory. If an error or omission is observed, officers should draw a single line through the error and add any corrected/omitted information, along with the officer's initials, consistent with correcting a Field Interview Report. A Notice of Correction and Proof of Service, Form 04.07.00, is not required.
- C. Distribution.**
 - 1 - Original (Yellow), submitted for supervisory review.
 - 1 - Copy (White), given to traffic violator.

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1 - Copy (Gold), remains in Traffic Violation
Warning book.

3 - TOTAL

FORM AVAILABILITY: The Traffic Violation Warning, Form 04.40.00, is available for ordering from General Services Division. The form is currently in field use; therefore, a copy of the form is not attached. The "Form Use" link applicable to the Traffic Violation Warning form is accessible in E-Forms on the Department's Local Area Network.

AMENDMENTS: This Order adds Section 4/336, *Traffic Violation Warning Procedures*, to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.

A handwritten signature in blue ink, appearing to be 'C. Beck', is written over the printed name.

CHARLIE BECK
Chief of Police

DISTRIBUTION "D"